

# **TOWN OF NEWFIELDS**

## **SITE PLAN REVIEW REGULATIONS**

(including revisions through July, 21, 2005)

### ***SECTION 10.1 - AUTHORITY AND TITLE***

Pursuant to the authority vested in the Planning Board by the voters of the Town of Newfields at the Town Meeting on March 8, 1966 and in accordance with RSA 674:43 the Planning Board has been empowered to review and approve or disapprove site plans for the development or change or expansion of use of tracts for non-residential uses, or for multi-family dwelling units whether or not such development includes the subdivision or re-subdivision of the site.

These regulations shall be known, and may be cited as, the "Town of Newfields Site Plan Review Regulations," hereinafter referred to as "Site Plan Review Regulations." The current set of Regulations revise and replace the Newfields Site Plan Review Regulations of -----, as amended, and take effect upon adoption by the Board and filing with the Newfields Town Clerk in accordance with RSA 675:6. A copy shall also be filed with the NH Office of State Planning in accordance with RSA 675:9.

### ***SECTION 10.2 - PURPOSE AND INTENT***

The purpose of the Site Review Procedure as detailed in RSA 674:44 is to protect the public health, safety, and welfare; to promote balanced growth; to ensure sound site utilization; to avoid development which may result in adverse environmental impacts; to prevent premature and uncoordinated development of land without the adequate provision of public services and facilities; and to guide the character of development.

The Site Review Procedure in no way relieves the developer, his/her agent, or individual from compliance with the Zoning Ordinance, Subdivision Regulations, or any other ordinance which pertains to the proposed development. No site plan will be finally approved until it complies in all respects to any and all pertinent ordinances and regulations of the Town of Newfields.

### ***SECTION 10.3 - CONFLICTING PROVISIONS AND VALIDITY***

Whenever the regulations made under the authority hereof differ from those prescribed by any statute, ordinance, or other regulations, that provision which imposes the greater restriction or the highest standard shall govern.

If any section, clause, provision, portion or phrase of these regulations shall be held to be invalid or unconstitutional by any court of competent authority, such holding shall not affect, impair or invalidate any other section, clause, provision, portion or phrase of these regulations.

### ***SECTION 10.4 - JURISDICTION***

10.4.1 The provisions of these regulations shall apply to all land within the boundaries of the Town of Newfields.

10.4.1.1 Any person proposing site development in the Town of Newfields must apply to the Planning Board for approval of such activity.

10.4.1.2 A site plan review application must be made and approved:

Before a change or expansion of non-residential use;

before any construction, land clearing or building development is begun;

before any permit for the erection of any building may be granted, and;

before a site plan plat may be filed with the County Registry of Deeds.

10.4.1.3 Site plans for all multi-family dwellings and non-residential development shall be submitted to the Planning Board for review. A full site plan review will not be required for any expansion or change of use of any existing non-residential or multi-family use under the following circumstances:

10.4.1.3.1 A new site plan need not be submitted for Planning Board approval if for the proposed development of the site;

- a. there is an approved site plan for the property on file in the Planning Board office; and
- d. all other requirements of site plan review are met; and
- e. all site activity must presently conform to the existing recorded site plan; and
- b. said development does not constitute a change of use;
- c. said development does not result in expansion greater than seven percent of the original structure's size; (in no instance shall the increase constitute greater than 1500 square feet of new construction).

10.4.1.3.2 This site plan review exemption may be utilized two times on any nonresidential parcel, and only after the applicant has had an informal consultation with the Planning Board at which the determination is made that a site plan is not required. After the second time any further expansion must be approved by the Planning Board within the scope of formal site plan review procedures.

10.4.2 No building permit may be issued for the construction or alteration of any building or structure within the purview of these Regulations (except as described in 10.4.1.3.1 and 10.4.1.3.2 above) until a copy of an approved site plan plat has been presented by the applicant to the Building Inspector.

## **SECTION 10.5 - DEFINITIONS**

- 10.5.1 Abutter - For the Town of Newfields an abutter shall be any property owner whose property is located in New Hampshire and within two hundred (200) feet of any property line, including across a street or stream, of a land under consideration by the local land use board. For purposes of receiving testimony only, and not for purposes of notification, the term "abutter" shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being under a condominium or other collective form of ownership, the term abutter means the officers of the collective or association, as defined in RSA 356-B:3, XXIII.
- 10.5.2 BOARD - The Planning Board of the Town of Newfields.
- 10.5.3 COMPLETED APPLICATION - A final site plan review plat and application form submitted with all information, materials, and fees required by the Board, as stated within these regulations.
- 10.5.4 Critical Areas - Disturbed areas of any size within 50 feet of a stream, body of water, or poorly or very poorly drained soils; disturbed areas exceeding 2,000 square feet in highly erodible soils; or, disturbed areas containing slope lengths exceeding 25 feet on slopes greater than 15 percent.
- 10.5.5 Developer - Any individual proposing development of land within the Town of Newfields.
- 10.5.6 Development - Any construction or grading activities on real estate for other than agricultural and silvicultural (tree care and harvesting) practices.
- 10.5.7 DIRECTOR OF PUBLIC WORKS - The duly designated official of the Town of Newfields or if there is no such official, the planning consultant or official assigned by the Newfields Planning Board. This Town agent shall be responsible for estimating road bond prices as well as carrying out all inspections of road construction attendant to any subdivisions or site plan reviews presented to the Planning Board.
- 10.5.8 Disturbed Area - An area where the natural vegetation has been removed exposing the underlying soil.
- 10.5.9 Erosion - The detachment and movement of soil or rock fragments by water, wind, ice, or gravity.

- 10.5.10 Highly Erodible Soils - Any soil with an erodibility class of high or very high, in any horizon, as found in the table entitled Erodibility (K) Values Of B And C Horizons For Soils Of New Hampshire of the "Erosion and Sediment Control Design Handbook For Developing Areas Of New Hampshire". (Copy available at Planning Board office)
- 10.5.11 Lot Line Adjustment - The minor change of boundary lines between two abutting parcels that does not result in the creation of any new building lots. Requirements for completing a lot line adjustment through the Newfields Planning Board are found in Addendum B of the Town's Subdivision Regulations.
- 10.5.12 PLANNING BOARD AGENT - The planning consultant, official, recording agent, or other person(s) assigned by the Board to perform plan review and other such duties.
- 10.5.13 PLAT - The final map, drawing or chart on which the developer's plan of site development is presented to the Newfields Planning Board for approval, and which, if approved, will be submitted to the Register of Deeds of Rockingham County for recording. Plats must be drawn in ink on mylar for recording purposes. A margin of at least one inch shall be provided outside ruled border lines on three sides and of at least two inches along the left side for binding. Only the following sizes are currently accepted at Registry for recording: 8 1/2" x 11"; 11" x 17"; 17" x 22"; 22" x 34".
- 10.5.14 Project Area - The area within the subdivision or site plan boundaries.
- 10.5.15 Recording Agent - The agent chosen by the Town to record the approved final plan with the Rockingham County Registry of Deeds. This person shall affix their signature to the plan on a line provided on the endorsement block.
- 10.5.16 Road Agent - Town representative appointed by the Board of Selectmen to issue driveway permits, inspect the construction of new roads and act on the Town's behalf in other matters dealing with roads in Town.
- 10.5.17 Sediment - Solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site of origin by erosion.
- 10.5.18 Stream - A stream that flows for sufficient times of the year to develop and maintain defined channels but may not flow during dry portions of the year. Includes but is not limited to all perennial and intermittent streams located on U. S. Geological Survey Maps.
- 10.5.19 STREET - A State highway, highway, boulevard, avenue, lane or road which is lawfully existing in the Town for vehicular travel. Streets shall also include the entire right-of-way.
- 10.5.20 SUBDIVIDER - An individual, firm, association, syndicate, partnership, corporation, trust, or any other legal entity or agent therefore that undertakes the subdivision of land in the Town of Newfields.
- 10.5.21 SUBDIVISION - The division of a tract or parcel of land into two or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease, condominium conveyance, or building development, the creation of one or more new streets or the extension of existing streets. It includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. The division of a parcel of land held in common and subsequently divided into parts among the several owners shall be deemed a subdivision. In addition, the grant of an easement in gross to a public utility for the purpose of placing and maintaining overhead and underground facilities necessary for its transmission or distribution network such as poles, wires, cable, conduit, manholes, repeaters and supporting apparatus, including any unmanned structure which is less than 200 square feet, shall not be construed as a subdivision, and shall not be deemed to create any new division of land for any other purpose.
- 10.5.22 TOWN ENGINEER - The duly designated registered professional engineer or consulting firm of the Town of Newfields.

## **SECTION 10.6 - GENERAL STANDARDS AND PRINCIPLES FOR SITE PLAN REVIEW**

In review of any site plans conducted under these regulations, the Planning Board will require that adequate provisions be made by the owner or his agent for:

- 10.6.1 Appropriate buffers that shall be maintained or installed to screen the use from neighboring properties. Landscape treatment shall consist of natural vegetation or features, or ground cover, shrubs, trees as appropriate, or fencing;
- 10.6.2 Sufficient off-street parking for the anticipated use;

- 10.6.3 Sufficient off-street loading space, including off-street areas for maneuvering the anticipated trucks or other vehicles;
- 10.6.4 Access, parking and loading areas constructed so as to minimize dust, erosion and run-off conditions that would have a detrimental effect on abutting or neighboring properties. The Planning Board may require oiling or paving if appropriate or necessary;
- 10.6.5 Grading, paving and storm drainage systems, so that development will not result in erosion/sedimentation of streams, or damage to abutting properties and roads;
- 10.6.6 Light glare and odors so that same will not be discernible off the premises except for indirect lighting of permitted signs or security lighting. Lighting shall not glare on abutting properties or on public highways or streets;
- 10.6.7 Access to public streets that will meet the standards of the New Hampshire Department of public works and Highways and/or the specifications for the construction of roads in Newfields as detailed in Appendix A of the Town of Newfields Subdivision Regulations;
- 10.6.8 To insure that water supply and sewage disposal facilities are sized to adequately meet the needs of the proposed use under the regulations of New Hampshire Water Supply & Pollution Control Division, the Town of Newfields Zoning ordinance and the Town of Newfields subdivision regulations;
- 10.6.9 Pedestrian and bicycle safety and access;
- 10.6.10 Storm water drainage and ground water recharge;
- 10.6.11 Adequate fire safety, prevention, and control;
- 10.6.12 Suitably located and coordinated travelways of sufficient width to accommodate existing and prospective traffic and to afford adequate light, air, and access to buildings for fire fighting apparatus and other emergency equipment;
- 10.6.13 Conformance with all existing regulations and ordinances;
- 10.6.14 Demonstration that the proposal is generally consistent with the Town's Master Plan;
- 10.6.15 The minimization of encroachment on neighboring land uses;
- 10.6.16 Adequate green areas, open space, conservation easements, slope and drainage easements as may be necessary or applicable;
- 10.6.17 Sidewalks, when required, shall be installed and constructed in accordance with the specifications of the Town of Newfields.
- 10.6.18 The public health, safety and welfare will be otherwise protected.

In addition to the general standards for site plan review listed above the applicant shall observe the following general principles governing site development:

- 10.6.19 Land of such character that it cannot be safely used for building purposes because of exceptional danger to health or peril from fire, flood, impermeable soil or other menace shall not be platted for building, nor for such other uses as may increase danger to health, life or property or aggravate the flood or sewage hazard, until appropriate measures have been taken by the owner or his agent to eliminate such hazards.
- 10.6.20 All public or private utilities, sewerage and drainage facilities, curbs and sidewalks, when required, shall be installed and constructed in accordance with the specifications spelled out in the Town of Newfields Subdivision Regulations.
- 10.6.21 A detailed plan indicating how the site will be served by electric, telephone and any other public utility must be provided. If the utility company(s) require an easement to provide service, no final approval shall be granted by the Newfields Planning Board until such easements are secured.
- 10.6.22 Pursuant to RSA 674:44,IV, the Board may require special improvements on or off-site which it deems reasonably necessary or desirable for the conditions or circumstances relative to the particular site plan review.

Any such special requirements shall be stated in writing in the minutes of the Board with the reasons therefor. The Planning Board may require, either that the applicant construct the improvements in whole or in part, or reimburse the municipality or any other party who, at the direction of the municipality, undertakes such improvements. The applicant's responsibility for such improvements is limited to that portion of the cost of the improvements which bears a rational nexus to the needs created by, and special benefits conferred upon, the site, taking into consideration the municipality's ability to pay for such improvements.

- 10.6.23 The development of the site shall not change the topography of the land to be developed by the removal of trees, shrubs, soil and rocks, except that which is necessary for the building of the structures and driveways.

## **SECTION 10.7 - GENERAL INFORMATION REGARDING THE NEWFIELDS SITE PLAN REVIEW PROCESS**

- 10.7.1 It is recommended that the applicant read the Town of Newfields Zoning Ordinance, Building Code, and Subdivision Regulations.
- 10.7.2 The applicant shall make application using appropriate forms provided by the Planning Board and shall conform to the application procedures and any other applicable regulations adopted by the Town.
- 10.7.3 The applicant shall be required to pay all reasonable costs or fees for special investigative studies and the review of documents, which are particular to the application, in addition to administrative and notification fees as required by the Board, in accordance with RSA 676:4, I(g).
- 10.7.4 The Board or its representative may make a visual on-site inspection of the land at any stage of the proposal. Inspection is to be at such time when the site is free of snow cover, unless the Board is otherwise satisfied that such inspection is not required.
- 10.7.5 If a plan is withdrawn prior to hearing notification for the plan, no further action is required by the Board, and it will be considered terminated. One copy of any such plan(s) shall be retained for Board files.
- 10.7.6 Approval of the plan by the Board shall not constitute an acceptance by the Town of the dedication of any proposed street, highway, park or other public open space.
- 10.7.7 Only the Town of Newfields Planning Board has the authority to waive any Site Plan Review Regulations. The procedure for granting of waivers is found at Section 10.3 below.
- 10.7.8 In accordance with state law any developments which are likely to have impacts beyond the boundaries of the Town of Newfields shall be processed by the Newfields Planning Board according to the procedures established in RSA 36: 54-58.
- 10.7.9 In the case where an owner of contiguous land which is located in more than one municipality applies to the Newfields Planning Board for site plan the proceedings will be done in conformance with the standards outlined in RSA 674:53, Land Affected by Municipal Boundaries.

## **SECTION 10.8 - PROCEDURES FOR SITE PLAN REVIEW**

- 10.8.1 Preapplication Review Phase The Newfields Planning Board may provide for preapplication review of site plan plats in accordance with RSA 676:4, II, a-c, as follows: (These steps are optional however.)
- 10.8.1.1 Preliminary Conceptual Consultation Phase. This is an optional phase directed at review of the basic concept of the proposal and suggestions which might be of assistance in resolving problems with meeting requirements during final consideration. Such consultation shall not bind either the applicant or the board and statements made by Planning Board members shall not be the basis for disqualifying said members or invalidating any action taken. The board and the applicant may discuss proposals in conceptual form only and in general terms such as desirability of types of development and proposals under the master plan. Such discussion may occur without the necessity of giving formal public notice as required under RSA 676:4, I(d), however such discussions may occur only at formal meetings of the board.
- 10.8.1.1.1 It is recommended that the applicant submit the following information for the preliminary consultation with the Board:
- Correct names and mailings addresses and zip codes of owner(s) of record (and applicant, if different), and a brief description of the proposal.

10.8.1.2 Design Review Phase. This is an optional phase intended for nonbinding discussions with the applicant, beyond conceptual and general discussions, which involve more specific design and engineering details; provided, however, that the design review phase may proceed only after identification of and notice to abutters and the general public as required by RSA 676:4, I(d). Statements made by Planning Board members shall not be the basis for disqualifying said members or invalidating any action taken.

10.8.1.2.1 When meeting with the Planning Board under the design review phase option, a rough sketch of the site should be provided which shows the following:

1. Location of lot lines.
2. Lot measurements.
3. Streets surrounding site.

10.8.1.3 Persons wishing to engage in either the conceptual consultation, or design review pre-application phases shall request an appointment with the Planning Board by contacting the Planning Board secretary or the circuit rider planner

## 10.8.2 Formal Application

10.8.2.1 Applications for site plan review shall be filed with the Planning Board and shall fulfill all the requirements of these Regulations. An application shall be filled out using forms approved by the Planning Board and available at the Planning Board office. It is required that the applicant meet with the Town's Planning Board Agent before making formal application so that potential problems may be addressed as early as possible in the planning process. A completed application will be submitted to and accepted for consideration by the Planning Board only at a Public Meeting for which notice has been given to the applicant, abutters and the general public.

A complete application shall include the following: **(Adopted May 19, 2005)**

- (a) All applicable items listed in Section 10.9,
- (b) Complete and signed copy of "Newfields Site Plan Review Checklist",
- (c) Proof of payment of all required fees, and
- (d) Proof of compliance with all applicable provisions of the Newfields Zoning Ordinance. For any and all non-compliant provisions, evidence of action by the Newfields Zoning Board of Adjustment is required prior to the application being deemed complete.

Applications shall be received only at the regular meetings of the Planning Board. Applications submitted to the Town Offices will be formally received at the next regularly scheduled Planning Board meeting. Submitted applications will be reviewed for completeness and scheduled for an acceptance hearing, if deemed complete. **(Adopted May 19, 2005)**

An application shall be accepted only at the regular meetings of the Planning Board, following the completion of the appropriate application procedure and the receipt of a written memorandum from the Chairman of the Planning Board, or duly assigned agent of the Board, certifying the technical compliance of said application. The sixty-five (65) day period for review does not begin until a complete application has been submitted by the subdivider and accepted by the Board. **(Adopted May 19, 2005)**

10.8.2.2 Incomplete applications shall not be placed on the Newfields Planning Board agenda.

10.8.2.3 The Planning Board at any given time may deem an application complete and schedule same for a Public Hearing.

10.8.2.4 All completed applications scheduled for Planning Board hearings shall be accompanied by the following:

10.8.2.4.1 A letter of intent, detailing the scope of the proposed development.

10.8.2.4.2A letter of authorization if a representative other than the property owner expects to be in charge of the development proceedings before the Board. This letter must be written by the present owner and state that the owner is in agreement with the development plans being proposed before the board.

10.8.2.4.3A copy of the deed(s) establishing ownership to be filed with the Planning Board.

10.8.2.4.4On a separate form provided by the Planning Board, the correct names and mailing addresses and zip codes of the applicant and owner(s) of record (if different), and all abutters (including those across the street or stream) as indicated in Town records -- to be obtained not more than 5 days before the day of filing.

10.8.2.5 The applicant shall submit to the Planning Board a complete application for site plan approval, including all supporting exhibits as specified under Sections 10.8 and 10.9 of these regulations. At that time, the Planning Board Secretary will submit plans to the town engineer, Planning Board agent, fire department and police department.

#### 10.8.2.6 Fees

10.8.2.6.1An application and secretarial fee.

10.8.2.6.2Cost of certified mailings for each landowner within 200 feet of the proposed subdivision. Notice to abutters shall be made by Planning Board 10 days prior to date of formal submission of application by certified mail, return receipt requested.

10.8.2.6.3A fee to cover the costs of publication of a legal notice in a paper of general circulation.

10.8.2.6.4In the event that the abutters' hearing is defaulted for any reason, or additional hearings are required, all fees except those for the tax map changes shall be repaid by the applicant for the new hearing.

10.8.2.6.5The subdivider shall bear the following costs to be paid before the subdivision mylar is signed by the Planning Board:

- A. A fee to cover the costs of making appropriate changes to the Newfields tax maps.
- B. Review and Inspection Fees (**Amended May 19, 2005**)
  1. Initial Review Fee. Application fees for initial plan review shall be in accordance with Exhibit 2 (Site Plan Review Schedule). The initial Review Fee shall be submitted with the Site Plan Application
  2. Technical Review Fees. Charges incurred because of technical review of documents or professional interpretation of data for either or both preliminary and/or the final plat shall be paid for by the applicant. During Initial Review, the Board's Reviewer shall prepare a cost estimate of anticipated fees to be incurred during technical review of the site plans. After formal acceptance of the application and prior to commencement of technical review activities, the applicant shall deposit with the Town Treasurer, a sum equal to the estimated cost of the required review(s). The amount deposited under this provision shall be used by the Treasurer for the purpose of paying the Board's Engineer(s) to conduct the required technical review(s).
  3. Inspection Fees. The costs incurred by the Town in having the required improvements inspected professionally shall also be borne by the applicant. Prior to endorsement of the final plat, the Board's engineer shall prepare a cost estimate for the required improvements. This amount shall be used to determine the Performance Bond requirements of Section 10.9.8.5 herein, and also the amount for inspection fees. Prior to endorsement of the final plat, the applicant shall deposit with the Town Treasurer, a sum equal to two (2) percent of the estimated cost of the required improvements. The amount deposited under this provision shall be used by the Treasurer for the purpose of paying the Board's Engineer to make the required and/or

necessary inspections. Refunds of unused money will be made to the applicant, however overdrafts must be paid prior to release of any Performance Bond filed with the Town.

C. The cost of recording the original mylar and securing two copies of this plan at the Rockingham County Registry of Deeds.

D. Any and all costs deemed necessary by the Director of Public Works and/or the Planning Board in excess of the above shall be paid by the applicant before the final approval.

#### 10.8.3 Notification (**Amended May 19, 2005**)

The Planning Board shall notify the applicant and abutters by certified mail, of the date upon which the application will be submitted to the Board for formal consideration. According to RSA 676:4 (d), notice shall be mailed at least ten (10) days prior to date of submission. Notice to the general public shall also be given at the same time by posting in two (2) public places. The notice shall include a general description of the proposal, the applicant's name, and location of the proposal. For any public hearing on the application, the same notice as required for notice of submission of the application shall be given. If notice of public hearing has been included in any prior notice, additional notice is not required, nor shall additional notice be required of an adjourned session of a hearing properly noticed, if the date, time and place of the adjourned session was made known at the prior hearing.

Notice of the application shall be sent by certified mail as least 10 days prior to the public hearing to the following;

- (a) The applicant and current property owner
- (b) Abutters as defined by these regulations
- (c) holders of conservation, preservation, or agricultural preservation restrictions
- (d) All design professionals (engineer, architect, land surveyor, soil scientist, wetlands scientist, etc.) whose professional seal appears on the plat submitted to the Board.

#### 10.8.4 Acceptance, Formal Consideration and Public Hearing

10.8.4.1 At the beginning of the public hearing, the Planning Board may formally accept for consideration the application for site plan if all requirements have been met. This marks the beginning of the sixty-five (65) day review period. (RSA 676:4, I(c)). Should an application be found incomplete, the Board shall notify the applicant requesting that the necessary documentation be submitted and informing the applicant that no further consideration of the application can be made until the application is complete. (**Amended May 19, 2005**)

10.8.4.2 During the public hearing, the Planning Board will take testimony from the applicant, questions by members of the Board and questions from any abutters present and any members of the public present with an interest in the proceedings.

10.8.4.3 The Planning Board and such other appropriate Town agencies or agents, may choose to arrange an inspection of the proposed site with the applicant. The applicant and/or landowner is requested to attend the inspection.

10.8.4.4 The Planning Board shall not have the authority to finally approve an application which does not conform to the Newfields Zoning Ordinance. It shall be the power of the Zoning Board of Adjustment to authorize, upon appeal, in specific cases, variances or exceptions from the terms of the zoning ordinances (see RSA 674:33 and any amendment thereto).

10.8.4.5 Within sixty-five (65) days of formal acceptance of the plan the Planning Board will make a decision on the site plan proposal as follows: (**Amended May 19, 2005**)

10.8.4.5.1 Approval. At a duly noticed public meeting, the board shall act to approve, conditionally approve, or disapprove, the application. The sixty-five (65) day time limit shall be subject to extension OR waiver as provided below in Sections 10.8.5 and 10.8.6 (RSA 676:4, I(c)). (**Amended May 19, 2005**)



10.8.4.5.2 Conditional Approval. The Planning Board may grant conditional approval of a plat or application, which approval shall become final without further public hearing, upon certification to the Board by its designee or based upon evidence submitted by the applicant of satisfactory compliance with the conditions imposed. Final approval of a plat or application may occur in the foregoing manner only when the conditions are:

- (a) Minor plan changes whether or not imposed by the Board as a result of a public hearing, compliance with which is administrative and which does not involve discretionary judgment; or
- (b) Conditions which are in themselves administrative and which involve no discretionary judgment on the part of the Board; or
- (c) Conditions with regard to the applicant's possession of permits and approvals granted by other boards or agencies, provided said permits and approvals themselves have not required a change to the Plat submitted to the Board or to any other conditions imposed by the Board. All other conditions shall require a hearing, and notice to abutters and the public, except that additional notice shall not be required of an adjourned session of a hearing with proper notice if the date, time and place of the adjourned session were made known at the prior hearing;

10.8.4.5.3 Disapproval. If the Board finds that the application does not meet the standards of these regulations, or fails to comply with other Town or State laws, or will have an adverse impact on surrounding areas or the community, the Board shall disapprove the application.

10.8.4.6 The Planning Board shall issue a final written decision of their action to approve, conditionally approve, or disapprove the completed application. If the application is conditionally approved, the Board shall list the conditions necessary to be met by the applicant prior to final approval.

10.8.4.7 In accordance with RSA 676:3, if the application is not approved, the Board shall provide the applicant with written reasons for disapproval. The decision shall be placed on file in the Planning Board's office and shall be made available for public inspection within seventy-two (72) hours after the decision is made and a copy of the decision shall be filed with the Town Clerk.

10.8.4.8 Conditional approval shall be good for a term of one calendar year from the date granted.

#### 10.8.5 Extension

The Planning Board may apply to the Selectmen for an extension not to exceed an additional 90 days before acting to approve or disapprove an application (RSA 676:4, I(f)). 10.8.6 Certificate of Failure To Take Action In accordance with RSA 676:4, I(c)(1), upon failure of the Board to approve, conditionally approve, or disapprove the application, the Selectmen may order the Planning Board to act within 30 days. If the board still fails to act, the Selectmen must approve the plan within 40 days, unless it can state in writing some specific regulation with which the application does not comply. The failure of the Selectmen to act on such order shall, upon petition of the applicant, constitute grounds for the Superior Court to issue an order approving the application, if the Court determines that the proposal complies with existing site plan review regulations and zoning and other ordinances.

#### 10.8.6 Recording and Filing of Plats

No site plan plat shall be filed or recorded until it has been approved by the Planning Board, all outstanding fees have been paid by the applicant and has been endorsed in writing on the plat with the signatures of a majority of the Board. The approved plat will be registered at the Rockingham County Registry of Deeds by a representative of the Newfields Planning Board at the fee established by the Planning Board. Three copies of the recorded plat shall be obtained by the Planning Board at the expense of the Subdivider.

### **SECTION 10.9 - SPECIFIC PLAN REQUIREMENTS**

10.9.1 Format: The Plan must be presented to the Planning Board in the following format:

10.9.1.1 The plan must be drawn in original ink on mylar or other material acceptable for recording purposes at the Rockingham County Registry of Deeds.

- 10.9.1.2 Sheet size which conforms to the requirements of the Registry of Deeds of Rockingham County for filing. These sheet sizes are: 8.5" x 11"; 11" x 17"; 17" x 22"; 22" x 34".
- 10.9.1.3 Abutters must be indicated on any plan submitted, showing their location in relation to the proposed site plan.
- 10.9.1.4 Scale should be not more than 1" = 100' (one inch = 100 feet).
- 10.9.1.5 Proposed site plan name or identifying title.
- 10.9.1.6 Correct current names of owner(s) of record (and applicant, if different).
- 10.9.1.7 Date, north arrow, location (locus map).
- 10.9.1.8 Name, license number, signature(s), and seal of the N.H. registered land surveyor, and engineer, if applicable.
- 10.9.1.9 Endorsement block for Planning Board approval.
- 10.9.1.10 All benchmarks shall be placed in reference to a permanent USGS point location.
- 10.9.1.11 Tax map reference including map and parcel number.
- 10.9.1.12 The final plan(s) shall include sufficient data acceptable to the Planning Board and the Town Engineer to determine readily the location, bearing and length of the existing and street and lot line, and to reproduce such lines upon the ground. All dimensions shall be shown to hundredths of a foot and bearings to at least half minutes. The error of closure shall not exceed a ratio of 1 to 10,000. The final plan(s) shall show the boundaries of the property and the bounds of any public or private streets and easements abutting or pertaining to the proposed site plan.
- 10.9.1.13 Match lines when needed.
- 10.9.2 Surveyed Plan Five (5) copies of the surveyed plan shall be submitted upon application and these plans shall include the following information:
  - 10.9.2.1 Location of property lines and their approximate dimensions and bearings, boundary extensions, existing buildings, existing and proposed easements, alleys, parks, public open spaces, water courses, flood plains, ponds or standing water, wetlands, rock ledges, and other essential features. Abutting parcels names and similar facts regarding abutting property shall be included. Plans of all buildings with their type, size, location, and elevation of first floor slab indicated.
  - 10.9.2.2 Location, name and widths of existing and proposed streets, roads and rights-of-ways (ROW's) with their grades and profiles and their center lines.
  - 10.9.2.3 Locations of access to existing town roads, as stated in RSA 236-13, Section 5, and copies of permits for the access.
  - 10.9.2.4 Existing and proposed water mains, sewers, culverts, drains, and proposed connections or alternative means of providing water supply, and disposal of sewage and surface drainage. The plan must show all distances from existing water and sewage facilities. The size and location of all public service connections--gas, power, telephone, fire alarm (overhead or underground).
  - 10.9.2.5 Where the topography is such as to make difficult the inclusion of any facilities mentioned in Paragraph 10.9.2.1 above, within the public area so laid out, the plan shall show the boundaries of proposed permanent easements over or under private property. Such easements shall be not less than ten (10) feet in width and shall have satisfactory access to existing or proposed public way(s).
  - 10.9.2.6 An elevation view of all proposed buildings indicating their height, bulk and surface treatment.
  - 10.9.2.7 The type and location of solid waste disposal facilities.
  - 10.9.2.8 The location and type of security lighting proposed.

10.9.3 Topographic Plan The topographic plan of the proposed site shall be submitted which includes the information described below.

10.9.3.1 The general topography of the proposed site shall be shown by means of elevations of sufficient points on the property to establish and show contour lines at vertical increments of not more than two (2) feet for the entire area proposed to be subdivided.

10.9.4 Erosion and Sediment Control Plan

An erosion and sediment control plan, if required, shall be submitted as specified in Section 10.9.8 - (Erosion Control) of these regulations and all State requirements.

10.9.5 Septic System Siting Requirements

10.9.5.1 In no case shall the Planning Board grant final approval of a proposed site plan until all State and Federal approvals, if necessary, have been received: e.g.; New Hampshire Department of Environmental Services (DES) - Water Supply and Pollution Control Division Subdivision Approval; DES Subsurface Disposal; DES Site Specific; DES Wetlands Board - Dredge and Fill Permit; DES Water Supply Approval; and U.S. Army Corps of Engineers 404 Permit.

10.9.5.2 In areas served by individual on-site sewage disposal systems, it shall be incumbent upon the applicant or his agent to adequately demonstrate that the lots will meet all current state and local septic system disposal standards. No site plan of land will be approved which cannot meet these standards. Town septic system requirements are found in the Town of Newfields Zoning Ordinance in Article VIII, Building Ordinance, Section 8.2.1.2, Sewerage.

10.9.5.3 The applicant or his agent shall be required to submit all site information, including but not limited to percolation tests, test pits, soil, slope, and minimum distance data as may be required by the Newfields Zoning Ordinance to determine the suitability of the lot(s) for on-site sewage disposal.

10.9.5.4 The location of and pertinent data on sufficient test pits and percolation tests to show that the regulations can be met on the lot(s). Information shall include at least the following: the location of at least two (2) test pits; one (1) percolation test data; the certification of the test pit inspector witnessing the perc tests; and an outline of the four thousand (4,000) square foot areas reserved for leach fields which corresponds to test locations. (Local septic system requirements must be met prior to obtaining approval from the N.H. Water Supply and Pollution Control Division.)

10.9.6 Legal Documents

Where applicable to a specific site, the following are required in a form approved by Town Counsel:

10.9.6.1 Agreement to convey to the Town land to be used for streets or other public purposes, with transfer of title.

10.9.6.2 Easements and rights-of-way over property to remain in private ownership, including drainage easements.

10.9.6.3 Performance security, as described in Section 10.9.7.1

10.9.7 Security

10.9.7.1 Security shall be in a form and amount, and with surety, and other conditions all satisfactory to the Board to insure for the Town the construction and installation of any required improvements within a period of time not to exceed three (3) years. The time limit of three (3) years for completion from the date of final approval shall be expressed in the security. The security shall remain valid and available until drawn upon by the Town or released in accordance with 10.9.7.5 below.

Further to the above, the security shall be one of the following:

10.9.7.1.1 certified check or bank check properly endorsed to the Town of Newfields.

10.9.7.1.2 irrevocable letter of credit submitted on the standard form approved by the Town. (If other than the Town's approved form, the performance agreement shall be reviewed and

approved by the Planning Board and Town Counsel as to proper legal form and enforceability. The cost of this review shall be borne by the applicant.)

- 10.9.7.2 The applicant shall file with the Board a detailed estimate of all costs of required street improvements, drainage structures, utilities or other improvements. The Board may have the estimate reviewed by a professional consultant, if deemed necessary. The cost of this review shall be borne by the applicant. The Board, after considering the estimate, and other pertinent information, shall determine the amount of the performance security required.
- 10.9.7.3 The Board may further extend the time of three (3) years for completion when the reasons for delay were unforeseeable and beyond the reasonable control of the applicant. Any such extension shall be in writing and signed by a majority of the Board signifying their concurrence and shall only be granted after ensuring the validity and availability of the security for such extension. Any such extension shall be solely at the discretion of the Planning Board.
- 10.9.7.4 The performance security shall not be released until the Board has certified after inspection that the required improvements have been completed in accordance with the approved plat. A fee, payable by the applicant, may be charged to cover the cost of professional consultation selected by the Board to assist in determining completion of all required work to the construction standards of the Town.
- 10.9.7.5 All security shall be held by the Selectmen of the Town. The Selectmen shall not draw upon or release any security until they are in receipt of a resolution passed by a majority of the Planning Board stating the purpose and amount to be drawn or released. The Selectmen shall enforce such securities by all appropriate legal and equitable remedies.

#### 10.9.8 Erosion Control

##### 10.9.8.1 GENERAL

The purpose of this regulation is to control soil erosion and sedimentation resulting from site construction and development. Subdivision and site plans shall include plans for controlling erosion and sedimentation as provided below.

##### 10.9.8.2 WHERE REQUIRED

The applicant shall submit an erosion and sediment control plan to the Planning Board for any tract of land being developed or subdivided, where one or more of the following conditions are proposed:

10.9.8.2.1A cumulative disturbed area exceeding 20,000 square feet.

10.9.8.2.2Construction of a street or road.

10.9.8.2.3A subdivision of three or more building lots or dwelling units.

10.9.8.2.4Disturbed critical areas.

Standard agricultural and silvicultural practices are exempt from this regulation. The Planning Board may waive the requirement for all or part of an erosion and sediment control plan if it determines that a plan is unnecessary because of the size, character, or natural conditions of a site. All requests for waivers and action thereon shall be made in writing.

##### 10.9.8.3. DESIGN STANDARDS - EROSION AND SEDIMENT CONTROL

The following standards shall be applied in planning for erosion and sediment control:

10.9.8.3.1. All erosion and sediment control measures in the plan shall meet the design standards and specifications set forth in the "Erosion and Sediment Control Design Handbook for Developing Areas of New Hampshire" as amended and adopted by the Rockingham County Conservation District.

10.9.8.3.2. Whenever practical, natural vegetation shall be retained, protected or supplemented. The stripping of vegetation will be done in a manner that minimizes soil erosion.

- 10.9.8.3.3. Appropriate control measures shall be installed prior to removal of vegetation.
- 10.9.8.3.4. The area of disturbance shall be kept to a minimum. Disturbed areas remaining idle for more than thirty (30) days shall be stabilized.
- 10.9.8.3.5. Measures shall be taken to control sediment and retain it within the project area. Sediment in runoff water shall be trapped and retained within the project area using approved measures. Very poorly drained soils and waterbodies shall be protected from sediment.
- 10.9.8.3.6. Off-site surface water and runoff from undisturbed areas shall be carried non-erosively through the project area, or diverted away from disturbed areas where feasible.
- 10.9.8.3.7. Naturally occurring streams, channels, and wetlands shall be used for conveyance of runoff leaving the project area.
- 10.9.8.3.8. All temporary erosion and sediment control measures shall be removed after final site stabilization. Trapped sediment and other disturbed soil areas resulting from the removal of temporary measures shall be permanently stabilized within thirty (30) days.

#### 10.9.8.4 PLAN REQUIREMENTS - EROSION AND SEDIMENT CONTROL

##### 10.9.8.4.1 Preliminary Plan Requirements

A preliminary plan is optional. If submitted it shall include the following:

- A. Site drawing of existing and proposed conditions:
  - (a) Locus map showing property boundaries
  - (b) North arrow, scale, date
  - (c) Property lines
  - (d) Easements
  - (e) Structures, utilities, roads and other paved areas
  - (f) Topographic contours
  - (g) Critical areas
  - (h) Waterways, bodies of water, drainage patterns, and watershed boundaries
  - (i) Vegetation
  - (j) Soils information from Soil Conservation Service published data or, where High Intensity Soil Maps are used, a conversion to a soil series map done by a Certified Soil Scientist
  - (k) Erosion and sediment control measures
  - (l) Areas of soil disturbance
- B. Narrative section including discussion of each measure, its purpose, construction sequence, and installation timing as they apply to the site.

##### 10.9.8.4.2 Final Plan Requirements

The Planning Board shall require each of the following in the final plan unless specifically waived:

- A. Site drawing of existing and proposed conditions:
  - (a) Locus map showing property boundaries
  - (b) North arrow, scale, date
  - (c) Property lines
  - (d) Structures, roads, utilities, earth stockpiles, equipment storage, and stump disposal
  - (e) Topographic contours at two-foot intervals
  - (f) Extent of 100-year flood plain boundaries if published or determined
  - (g) Soils information from Soil Conservation Service published data or, where High Intensity Soil Maps are used, a conversion to a soil series map done by a Certified Soil Scientist
  - (h) Easements
  - (i) Areas of soil disturbance
  - (j) Areas of cut and fill
  - (k) Areas of poorly and/or very poorly drained soils including any portion to be disturbed or filled
  - (l) Location of all structural and vegetative erosion and sedimentation control measures
  - (m) Identification of all permanent control measures
- B. Narrative section including:
  - (a) Construction schedule
  - (b) Earth movement schedule
  - (c) Description of temporary and permanent vegetative measures including seeding specifications
  - (d) Description of all structural erosion and sedimentation control measures, with detailed drawings of each
  - (e) Design calculations for all temporary and permanent structural control measures
  - (f) A proposed schedule for the inspection and maintenance of all measures
  - (g) Identification of all permanent control measures and responsibility for continued maintenance
  - (h) Calculations showing volume, peak discharge, and velocity of present and future runoff

#### 10.9.8.5 RESPONSIBILITY FOR INSTALLATION/CONSTRUCTION

The applicant shall bear final responsibility for the installation, construction, and disposition of all erosion and sediment control measures required by the provisions of this regulation. The Planning Board may require a bond or other security as described in an amount and with surety conditions satisfactory to the Board, section 10.9.7.1, above. Site development shall not begin before the

erosion and sediment control plan is approved. Erosion and sediment control measures shall be installed as scheduled in the approved plan.

#### 10.9.8.6 MAINTENANCE

The applicant shall maintain all soil erosion and sediment control measures, including devices and plantings as specified in the approved plan, in effective working condition. Responsibility for maintenance by subsequent owners of the property on which permanent measures have been installed shall be included in the deed and shall run with the land. This information shall also be incorporated on the plan. For improvements which require easements on property owned by another the easement must be recorded at the Rockingham County Registry of Deeds. If the owner fails to adequately maintain such measures, the town shall have the authority to perform required maintenance. The cost of such work shall be borne by the owner.

#### 10.9.8.7 PLAN APPROVAL AND REVIEW

The Planning Board shall indicate its approval of the erosion and sediment control plan, as filed, if it complies with the requirements and objectives of this regulation. If disapproved, a list of plan deficiencies and the procedure for filing a revised plan will be given to the applicant.

Technical review of any erosion and sediment control plan prepared under this regulation shall be reviewed by the Newfields consulting engineering firm at the expense of the applicant.

#### 10.9.8.8 INSPECTION

Inspection shall be made by an agent of the Planning Board during development to ensure compliance with the approved plan and that control measures are properly installed or performed and maintained. This shall be done at the expense of the developer.

#### 10.9.8.9 OTHER REQUIRED PERMITS

10.9.8.9.1 In addition to local approval, the following may be required:

- A. RSA 485-A:17 requires a permit from the New Hampshire Water Supply and Pollution Control Division for "... any person proposing to significantly alter the characteristic of the terrain, in such a manner as to impede natural runoff or create an unnatural runoff...". Regulations require this permit for any project involving more than 100,000 contiguous square feet of disturbance or if such activity occurs in or on the border of the surface waters of the state.

#### 10.9.9 Traffic Impact Analysis

- 10.9.9.1 All commercial, industrial or residential development proposed to be located on or having an effect on a town-maintained (Class V) road or street shall be reviewed by the Planning Board to ascertain that adequate provisions have been made by the owner or his/her agent for traffic safety. To facilitate this review, the Planning Board may require the developer to provide the Planning Board with a traffic impact analysis when deemed necessary by the Board due to the size, location or traffic generating characteristics of the development.

Traffic impact analyses shall address each of the following:

- 10.9.9.1.1 Traffic circulation and access, including adequacy of adjacent streets and intersections, entrances and exits, traffic flow, sight distances, curb cuts, turning lanes, and existing or recommended traffic signalization and may require accident statistics.

- 10.9.9.1.2 Pedestrian safety and access.

- 10.9.9.1.3 Off-street parking and loading.

- 10.9.9.1.4 Emergency vehicle access.

- 10.9.9.1.5 Off site improvements necessitated and to be constructed by the developer.

10.9.9.2 The Planning Board may retain the services of a consultant qualified in traffic planning to review the traffic impact analysis and to ensure that adequate provisions are made in the development plan to reduce or eliminate those impacts. The Board may further require, pursuant to RSA 676:4(g), that the developer reimburse the Town for reasonable costs of this review. No plan shall be approved until such fees, if applicable, are paid in full.

#### 10.9.10 Streets and Roads

All public and private streets, roads and driveways, shall be submitted as specified in Table 1 - "Roadway Design Criteria" of these Regulations. The Planning Board shall require, in those instances necessary, the construction of sidewalks, pedestrian ways and bikeways. Said construction will be done in accordance with State of New Hampshire Department of Transportation publication Standard Specifications for Road and Bridge Construction, 1990.

#### 10.9.11 Parking

In addition to the standards called out below, parking in the Town of Newfields must comply with the requirements found in the Town of Newfields Zoning Ordinance, Article IV, Supplementary Regulations for Certain Uses, 4.5, Off-Street Parking and Loading Requirements.

10.9.11.1 Parking Space -- defined as an off-street area for vehicular parking of approximately 9' x 20' long.

For handicapped parking requirements, "The Architectural Barrier Free Design Code for the State of New Hampshire -Section 304" are incorporated by reference herein.

##### 10.9.11.2 Applicability

No use shall be authorized or extended and no building shall be erected or enlarged unless parking and loading requirements are met for the new or added use or uses. Any use existing prior to passage of this ordinance which is later changed or enlarged shall provide an additional number of parking spaces to equal that required in this section.

10.9.11.3 All required spaces in residential zones shall be upon or adjacent to the lot which they are designed to serve. In all other zones, such parking shall be provided within a 200' radius of the structure.

10.9.11.4 Municipal parking lots shall not be substituted for the requirements of this section.

##### 10.9.11.5 Parking Requirements

The following number of spaces shall be required according to the use of the structure. Each space shall be provided with adequate maneuvering space.

Structural Use	Parking Required
Single Family	2 spaces per family
Two Family	2 spaces per family
Motel	1 space per unit
Hospital or Nursing Home	1 space per 4 beds
Funeral Parlor	8 spaces plus 4 per each 100 sq.ft. space used by 6 guests
Medical Offices	4 spaces per doctor
Industrial	1 space per employee on largest shift
Commercial	1 space per 200 sq. ft. of gross floor area

#### 10.9.11 Signs

For specific sign requirements, please refer to the Town of Newfields Zoning Ordinance - Supplementary Regulations for Certain Uses, 4.6, Sign Regulations.



#### 10.9.12 Noise Control

For specific sign requirements, please refer to the Town of Newfields Zoning Ordinance - Supplementary Regulations for Certain Uses, 4.7, Noise Control.

#### 10.9.13 Buffer Zones / Landscaping

10.9.13.3 Each site plan proposed shall include appropriate buffer areas.

These buffer zones shall not be less than twenty-five (25) feet when separating two commercial lots and shall not be less than fifty (50) feet when separating a commercial lot from a residential lot.

The buffer shall be planted with a screen of shrubbery and trees not less than six (6) feet in height at the time of planting.

The screen shall be at least fifteen (15) feet in width and shall be maintained suitably by the owner.

In order to maintain a dense screen year round, at least fifty (50) percent of the plantings shall consist of evergreens. Existing natural growth may be considered as part of the screen.

No parking shall be located within any part of the buffer zone.

Only an access road where required and approved may encroach upon said buffer.

#### 10.9.14 Protection of Natural and Historic Features

10.9.14.3 Each significant natural feature within the site including large or unusual trees, watercourses, natural stone outcroppings, and other scenic features shall be shown on the plan. Planning Board approval shall be obtained before removal of such features.

10.9.14.4 Each existing building or man-made structure, including stone fences, shall be shown on the plan and reviewed with the Planning Board for historic significance. Such features will not be destroyed or removed without Planning Board approval.

#### 10.9.16 Fire Protection **(Adopted May 19, 2005)**

In the case of site developments which do not have access to adequate water for fire fighting purposes, the Board may, after consultation with the Fire Department, require the construction of a cistern, fire pond, dry hydrant, or combination of the above, as deemed necessary.

10.9.16.1 Commercial buildings of up to 10,000 sq. ft., without municipal water service, require one (1) 15,000-gallon underground water storage tank. Additional or larger tanks may be required upon review of building usage (gas station, fuel depot, welding supply, lumberyard, etc.)

10.9.16.2 Commercial buildings over 10,000 sq. ft., without municipal water service, require minimum of one (1) 30,000-gallon underground water storage tank. Additional or larger tanks may be required upon review of building usage (gas station, fuel depot, welding supply, lumberyard, etc.)

10.9.16.3 Commercial subdivisions without municipal water service may use one (1) 30,000-gallon underground water storage tank for multiple buildings providing distance between water source and building not to exceed 1,500 ft. Additional or larger tanks may be required upon review of building usage (gas station, fuel depot, welding supply, lumberyard, etc.)

10.9.16.4 Industrial buildings of up to 50,000 sq. ft., without municipal water service, require minimum of one (1) 30,000-gallon underground water storage tank. Additional or larger tanks may be required upon review of building usage (gas station, fuel depot, welding supply, lumberyard, etc.)

10.9.16.5 Industrial buildings over 50,000 sq. ft., require municipal or local water supply for fire suppression

10.9.16.6 Agricultural buildings (barns, stables) may require underground water storage tanks. Size and quantity will be recommended upon review by the Fire Department.

#### 10.9.17 Lighting and Architectural Design Standards **(Adopted July 21, 2005)**

10.9.17.1 Purpose. The purposes of this regulation are as follows: to ensure that lighting in retail, commercial, and industrial development will not create safety hazards such as glare or diminish the quality of rural residential character by means of light trespass and excessive lighting, and to maintain and enhance the visual quality or aesthetics of the community by preserving the rural aesthetic character of the town through architectural standards. Aesthetic considerations impact economic values such as property values as well as public health, safety, and welfare. This regulation is further intended to enhance and protect the quality of the rural New Hampshire dark night sky, to preserve Newfields' rural character, to enhance safety by providing limited lighting in areas when needed for security or safety, and to conserve energy and natural resources.

10.9.17.2 Applicability of Lighting Standards. The Planning Board may require lighting in any new retail, commercial, or industrial development, or any change or expansion of retail, commercial, or industrial development, or the addition of new lighting fixtures to an existing site, based on the Board's evaluation of the submitted plan. This section applies to non-residential uses and any structure with three or more residential units. Any applicant required to provide information about lighting must submit the following information on a separate sheet submitted as part of the plan:

10.9.17.2.1 A visual photometric plan that demonstrates both light coverage and light spillage resulting from the proposed lighting plan;

10.9.17.2.2 Photometric data, such as that furnished by manufacturers, showing the angle of cut off or light emissions;

10.9.17.2.3 Plans indicating the location on the premises, and the type of illuminating devices, fixtures, lamps, supports, reflectors, and other devices;

10.9.17.2.4 Description of the illuminating devices, fixtures, lamps, supports, reflectors, and other devices. The description may include, but is not limited to pictures and drawings supplied by manufacturers.

10.9.17.3 Building Permits. A building permit shall be required prior to the installation of any new fixtures on existing non-residential and multi-family uses. If the original Site Plan Approval granted by the Planning Board specified, in detail, the type and nature of lighting, any increase or change in lighting that may have an increased impact on the site shall be referred to the Planning Board for Site Plan Review. The Building Inspector shall approve a permit for other installations upon a finding that the fixtures comply with the following general lighting requirements.

10.9.17.4 General Lighting Requirements:

10.9.17.4.1 All new lighting in the Town of Newfields under this section of the regulations is required to have full-cutoff shielding, and the design of the fixture shall be approved by the Planning Board.

10.9.17.4.2 The new installation of up-lighting, by any method, is prohibited, however, the limited use of upward landscape lighting on a case-by-case basis may be approved provided the lighting does not spill onto neighboring properties or public ways.

10.9.17.4.3 Non-cutoff wallpack fixtures are prohibited.

10.9.17.4.4 Every luminaire shall be designed to control glare by following the recommendations of the most recent version of "Illuminating Engineering Society Lighting Handbook/References & Applications" and shall follow the recommended practices for controlling light pollution of The International Dark Sky Association.

10.9.17.4.5 Existing lighting sources that do not present a health and safety issue with respect to glare on public ways or nuisance as a result of off-site illumination shall be exempt from the provisions of this ordinance.

10.9.17.4.6 The Planning Board may, in its discretion, retain, at the applicant's expense, a qualified lighting expert to review the submitted light plan of the applicant.

10.9.17.4.7 Lights shall be turned off or reduced in intensity at 10 p.m. or a reasonable hour as determined by the Planning Board. A note on the plan shall specify the hours of operation for any proposed lighting.

10.9.17.5 Prohibitions. The following types of lighting are prohibited.

- 10.9.17.5.1 Mercury Vapor Lamps or Fixtures. The installation of any mercury vapor fixture or lamp for use as outdoor lighting is prohibited.
- 10.9.17.5.2 Laser Source Light. The use of laser source light or any similar high intensity light for outdoor advertising or entertainment, when projected above the horizontal plane is prohibited.
- 10.9.17.5.3 Searchlights. The operation of searchlights is not permitted.
- 10.9.17.5.4 Neon. Neon lighting on buildings or signs is prohibited, unless the sign is located inside a building. It is permissible for a neon sign to be visible through or placed in a building's window.
- 10.9.17.5.5 Security Lighting. Spot Lights, flood lights, and other bright security lighting shall be limited in such as fashion so as to not direct light onto neighboring property. Continual lighting must be shielded so as to not produce glare or light trespass onto neighboring property.

10.9.17.6 Architectural Design Standards. The following standards shall apply to any new buildings that may be considered under site plan review:

- 10.9.17.6.1 Scale and Style: Buildings shall relate in scale and design features to the surrounding buildings, showing respect for the local context. Where existing development does not represent a consistent architectural style or does not incorporate a building design that reflects the rural character and architecture of New England towns, buildings shall be designed to improve the overall streetscape, relying on the design standards set forth below. Big-box retailer stores are not prohibited but such retailers must design their buildings to comply with these architectural standards and must incorporate pitched roofs, offsets, windows, articulated entrances, traditional building materials such as wood, stone, and brick into the building design.
- 10.9.17.6.2 Walls and Planes. Buildings shall avoid long, monotonous uninterrupted walls or roof planes. Offsets including projections, recesses, and changes in floor level shall be used in order to add architectural interest and variety, and to relieve the visual effect of a simple, long wall. Similarly, roof-line offsets shall be provided, in order to provide architectural interest and variety to the massing of a building. Flat roofs shall be avoided in favor of pitched roofs.
- 10.9.17.6.3 Windows. Windows shall be required on all buildings. Windows shall be vertically proportioned wherever possible. Blank, windowless walls are prohibited. Ground floor retail, service, and restaurant uses shall have large pane display windows, framed by the surrounding wall.
- 10.9.17.6.4 Entrances. All entrances to a building shall be defined and articulated by architectural elements such as porches, railings, canopies, or other enclosures.
- 10.9.17.6.5 Materials. Buildings shall be constructed of wood, stone, brick, or other traditional building materials when feasible. Galvanized sheet metal buildings are generally prohibited. If allowed, galvanized steel or sheet metal buildings must be painted, including the roof, and must be designed to avoid an industrial storage appearance, by designing the buildings in accordance with this section.
- 10.9.17.6.6 Garages. All garage doors shall be located to the rear or the side of a building.
- 10.9.17.6.7 Building Height. Where possible, buildings shall provide more than one level such as a live-work arrangement with office or retail space on the ground floor and a one-bedroom apartment on the top floor. In no case however shall building height exceed thirty-five feet in height.
- 10.9.17.6.8 Signs. In addition to the requirements set forth elsewhere in the Town of Newfields' Zoning Ordinance or Regulations, signs shall be consistent with the architectural style of proposed buildings. Internally lit signs and roof signs are prohibited, as are moving or revolving signs. Signs shall be constructed of wood, metal, stone, or other natural

materials. Signs shall be externally lit in such a way as to illuminate only the sign itself to the extent possible.

10.9.17.6.9            Parking. Parking shall be located to the side or rear of the building, to enhance the overall aesthetics and streetscape of the town and to discourage the appearance of a sea of parking in front of retail buildings. Where parking areas are located next to the street, these areas shall be shielded by a hedgerow, shrubs, brick or stone planters/islands, or other landscaping.

10.9.17.6.10          Architectural Review. All applicants are required to submit architectural elevations and floor plans for all structures. The Planning Board may, in its discretion, retain a qualified architect to review the elevations and floor plans, at the applicant's expense. The architect may suggest improvements to comply with these regulations, to protect the well-being of the community, and to improve the aesthetic and rural small town character of the proposed site.

10.9.17.7 Definitions. For the purposes of this regulation, the terms used shall be defined as follows:

10.9.17.7.1            Cut-off Angle (of a luminaire) – The angle formed by a line drawn from the direction of the direct light rays at the light source with respect to the vertical, beyond which no direct light is emitted.

10.9.17.7.2            Direct Light: Light emitted directly from the lamp, off of the reflector or reflector diffuser, or through the refractor or diffuser lens, of a luminaire.

10.9.17.7.3            Fixture: The assembly that houses the lamp or lamps and can include all or some of the following parts: a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/or a refractor or lens.

10.9.17.7.4            Flood or Spotlight: Any light fixture that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.

10.9.17.7.5            Foot-candle: A unit of illuminance amounting to one lumen per square foot. A measure of light falling on a given surface. One foot-candle is equal to the amount of light generated by one candle shining on a square foot surface one foot away.

10.9.17.7.6            Fully shielded: A fully shielded luminaire is a luminaire constructed or shielded in such a manner that all light emitted by the luminaire, either directly from the lamp or indirectly from the luminaire, is projected below an angle of 20 degrees below the horizontal plane through the luminaire's lowest light emitting part as determined by photometric test or certified by the manufacturer.

10.9.17.7.7            Glare: Light emitting from a luminaire with an intensity great enough to reduce a viewer's ability to see, and in extreme cases causing momentary blindness.

10.9.17.7.8            Height of Luminaire: The height of a luminaire shall be the vertical distance from the ground directly below the centerline of the luminaire to the lowest direct-light emitting part of the luminaire.

10.9.17.7.9            Illuminance: The quantity of light arriving at a surface divided by the area of the illuminated surface, measured in foot-candles.

10.9.17.7.10          Lamp: The component of a luminaire that produces the actual light.

10.9.17.7.11          Light Trespass: The shining of light produced by a luminaire beyond the boundaries of the property on which it is located.

10.9.17.7.12          Lumen: A measure of light energy generated by all light source. One footcandle is one lumen per square foot. For the purposes of this regulation, the lumen-output values shall be the initial lumen output ratings of a lamp.

10.9.17.7.13          Luminaire: The complete lighting system, including a lamp or lamps and a fixture.

10.9.17.7.14 Outdoor Lighting: The night-time illumination of an outside area or object by any man-made device located outdoors that produces light by any means.

10.9.17.7.15 Uplighting: Any light source that distributes illumination above a 90-degree horizontal plane.

#### 10.9.18 Temporary Placement of Manufactured Homes and Office Facilities **(Adopted July 21, 2005)**

10.9.18.1 Temporary Placement of Manufactured Homes. The Building Inspector may grant a permit to temporarily locate a manufactured home on the same lot as a permanent dwelling or building for a period of up to twelve months while a dwelling is being reconstructed after damage by fire or other natural cause. In cases of hardship, the Building Inspector may grant one six-month extension to the permit. At the end of the twelve-month period or the extension, the manufactured home must be removed from the lot. The intent of this section is not to create an additional dwelling unit on any lot. The temporary dwelling unit or unit shall be serviced by existing or new approved septic/sewer and water systems.

10.9.18.2 Temporary Placement of Office Facilities. The Building Inspector may grant a permit to temporarily locate office facilities for a period of up to six months while a permanent structure is being reconstructed after damage by fire or other natural cause. Within sixty days (60) days of the issuance of a permit, an application for site plan review must be submitted to the Planning Board showing the permanent location of all office facilities. In cases of hardship, the Building Inspector may grant one six month extension to the permit. At the end of the six month period or the extension, the temporarily office facility must be removed from the lot. The intent is not to create additional office facilities on any lot. The temporary office facilities shall be serviced by existing or new approved septic/sewer and water systems.

10.9.18.3 Construction Trailers. Construction trailers may be located on a site following the issuance of a Building Permit allowing their placement. The location of the construction trailers shall be approved by the Building Inspector. Construction trailers shall be removed from the site, and where appropriate, the grounds shall be restored to their original condition prior to the issuance of a Certificate of Occupancy by the Building Inspector.

10.9.18.3.1 Where a construction trailer or trailers are proposed to remain on a site following the issuance of a Certificate of Occupancy, the Building Inspector shall act to ensure that the following conditions are met prior to the issuance of a Certificate of Occupancy:

10.9.18.3.1.1 Location of the construction trailer is in an approved location;

10.9.18.3.1.2 A bond of \$3,000 per trailer is posted to ensure the removal of the construction trailers, and where appropriate, the restoration of the grounds; and,

10.9.18.3.1.3 The Building Inspector shall ensure that the bond remain enforceable over the period that the construction trailer is on the site.

10.9.18.3.2 The bond for the construction trailers shall be released when the Code Enforcement Officer is satisfied that the trailers are removed, and where appropriate, the grounds have been restored.

### **SECTION 10.10 - ADMINISTRATION AND ENFORCEMENT**

#### 10.10.1 General

10.10.1.1 These Regulations shall be administered by the Planning Board with the assistance of the Building Inspector, Town Engineer and such other persons as the Board shall designate. It shall be the duty of the Board of Selectmen to enforce the Site Plan Review Regulations. The Selectmen in enforcing these Regulations shall act upon complaint or information from the Planning Board, Building Inspector, Town Engineer, or otherwise, and shall, whenever practicable, take such action as the Planning Board or such other officer requests.

10.10.1.2 An agent so designated by the Planning Board may be charged with the responsibility of inspecting the sites for compliance with the Site Plan Review Regulations.

#### 10.10.2 Appeals

10.10.2.1 Any person aggrieved by any decision of the Planning Board concerning a site plan review may appeal said decision to the Superior Court, as provided by R.S.A 677:15.

#### 10.10.3 Waiver Procedure

10.10.3.1 When a proposed site plan plat is submitted for approval, the applicant may request in writing to waive specific requirements of these Regulations as they pertain to the site plan. The applicant shall present reasons in writing why the waiver is needed.

10.10.3.2 The Planning Board may grant a waiver in a special case, so that justice may be done and the public interest secured, provided that such waiver will not have the effect of nullifying the intent and purposes of these Regulations; and further provided that the Planning Board shall not approve waivers unless it shall make written findings based upon the evidence presented to it in each specific case. Such waivers will be entertained and acted upon by the Planning Board only at a properly noticed public hearing.

#### 10.10.4 Amendments

The Planning Board may from time to time amend these regulations in accordance with RSA's 675:6 and 675:5. Amendments to the Site Plan Review Regulations shall include the following steps:

10.10.4.1 The Board shall hold at least one (1) public hearing on the proposed regulations and/or amendments.

10.10.4.2 Notice for time, place and date of any hearing to amend shall be given at least ten (10) calendar days before hearing, not including day of posting or day of hearing. Notice of hearing shall be published in a paper of general circulation in Town and posted in two (2) public places. Notice shall include an adequate statement describing the proposal and the place where a full text of proposal is on file for public inspection. Posting shall include a copy of the full text.

10.10.4.3 The Planning Board may adopt the amendments upon completion of the public hearing by an affirmative vote of a majority of its members.

10.10.4.4 Regulations and/or amendments adopted shall be legal and have full force and effect when copies are certified by a majority of the Planning Board members and filed with the Town Clerk.

#### 10.10.5 Fines and Penalties

10.10.5.1 Any violation of these regulations shall be punishable pursuant to RSA 676:17, 17-a, and 17-b, as the Board of Selectmen shall elect.

The Planning Board shall also have the authority to seek injunctive relief pursuant to RSA 676:15.

#### 10.10.6 Effective Date

These revised regulations are effective as of , 1993, on which day they have been filed with the Newfields Town Clerk. In accordance with RSA 675:9 a copy of these regulations and subsequent amendments will be forwarded to the New Hampshire Office of State Planning.

<b>TABLE 1 - ROADWAY DESIGN CRITERIA</b>	Minor Street	Major Street
Design Speed	30 mph	40 mph
Right of Way Width	50 feet	50 feet
Pavement Width	24 feet	24 feet
Minimum Centerline Radius	400 feet	600 feet
Minimum Curb Radius	30 feet	40 feet
Minimum Profile Grade	1%	1%
Maximum Profile Grade	8%	5%
Maximum Profile Grade on Horizontal Curves	5%	5%
Minimum Stopping Sight Distance	200 feet	325 feet
Minimum Corner Intersection Sight Distance *	310 feet	415 feet
Depth of Gravel Base	18 inches	18 inches
Industrial/Commercial		
Depth of Bituminous Concrete Binder	2 1/2 inches	2 1/2 inches
Depth of Bituminous Concrete Top	1 1/2 inches	1 1/2 inches
Residential		
Depth of Bituminous Concrete Binder	2 inches	2 inches
Depth of Bituminous Concrete Top	1 inches	1 inches

\*Measured at a point on the centerline of the proposed street 40 feet off the edge of pavement of the intersected street.

<b>TABLE 2 - DRAINAGE DESIGN CRITERIA</b>	Storm Drain	Subdrain	Culvert
Pipe Material	RCP	CMP	RCP
Minimum Diameter	12"	8"	12"
Minimum Slope	0.5%	-	0.5%
Maximum Velocity (For Design Flow)	12 fps	-	12 fps
Minimum Cover	30"	30"	30"
Design Storm	25 yrs	-	100 yrs
Runoff Coefficient	0.40	-	0.40

Abbreviations: RCP ....Reinforced Concrete Pipe

CMP ....Corrugated Metal Pipe